UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION DOCKET NO. 3:17-cr-180-MOC-DSC-1

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
)	
ERNEST KEITH, JR.,)	
)	
Defendant.)	

THIS MATTER is before the Court on Defendant's pro se "Motion/Request to Move to Home Detention without Delay." (Doc. No. 61).

I. BACKGROUND AND DISCUSSION

Defendant Ernest Keith, Jr., is currently incarcerated at the Ashland Federal Correctional Institution in Ashland, Kentucky. In his pending motion, Defendant argues that he will soon be eligible for home confinement but that the Bureau of Prisons ("BOP") has incorrectly refused to transfer this matter to the Eastern District of North Carolina, which he appears to contend is his place of residence. Defendant appears to be asking the Court to intervene to require the BOP to initiate the transfer.

This Court lacks jurisdiction to address defendant's claim. Errors challenging the execution of a sentence, rather than the sentence's validity, must be filed under 28 U.S.C. § 2241 in the petitioner's district of confinement. <u>United States v. Little</u>, 392 F.3d 671, 679–80 (4th Cir. 2004); § 2241(a). Because defendant is incarcerated in another federal district, this Court would lack jurisdiction over defendant's motion even if the Court were to construe it as a § 2241 petition. See United States v. Poole, 531 F.3d 263, 270-71, 274-75 (4th Cir. 2008) (holding that

a district court lacks jurisdiction to address a § 2241 petition that is not brought in the district of the petitioner's immediate custodian). In any event, this Court has no authority to require the BOP to change Defendant's current listed address with the BOP, even if it is incorrect.

For all these reasons, the Court will deny Defendant's motion.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's "Motion/Request to Move to Home Detention without Delay," (Doc. No. 61), is **DENIED WITHOUT PREJUDICE**.

Signed: January 6, 2020

Max O. Cogburn J.

United States District Judge

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